522.d.11.
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THE CLAIMS OF THE PEOPLE OF ENGLAND.

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THIRD EDITION.

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M.DCC.LXXXII.

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M.DCC.LXXXII.

The CLAIMS of the People of ENGLAND.

IN the beginning of the preſent century, (anno 1701, 12 W. III.) a ſenſible and loyal Writer drew up a ſmall Tract of political information, which he intitled — "THE CLAIMS OF THE PEOPLE OF "ENGLAND *eſſayed in a Letter from the* "*Country.*" But, before the Tract was printed, the Author had the ſatisfaction to hear, that the *Claims*, he had aſſerted, were in many reſpects eſtabliſhed by a new Act of the Parliament then ſitting; which ſeaſonable attention to the People's *Rights* he moſt gratefully acknowledged in a Poſtſcript to his Letter.

The *Act of Settlement*, by virtue of which the preſent Royal Family ſucceeded to the Crown of theſe Realms, was the Statute, which then ſo happily (in the opinion of that Writer) "ſecured THE CLAIMS OF "THE PEOPLE OF ENGLAND."

It is intitled, "*An Act for the farther* "*Limitation of the Crown, and better ſe-* "*curing the Rights and Liberties of the* "*Subject*;" — and accordingly contains

eight very excellent Articles of *Limitation*, agreeable to "*the Claims of the People of* "*England*;" which, it seems, were enacted, "*with the unanimous Concurrence of* "*both Houses of Parliament*," for the expreſs purpoſe of "*ſecuring our Religion*, "*Laws, and Liberties.*"

One of theſe Articles ordained—"That" —"*all matters and things relating to the* "*well governing of this* Kingdom, *which* "*are properly cognizable in the Privy Coun-* "*cil by the Laws and Cuſtoms of this Realm*, "*ſhall be tranſacted there, and all Reſolu-* "*tions taken thereupon ſhall be ſigned by ſuch* "*of the Privy Council as ſhall adviſe and* "*conſent to the ſame.*"‖

And by another of theſe Articles it was ordained—"*That no perſon, who has an* "*Office, or Place of profit, under the King,* "*or receives a Penſion from the Crown, ſhall* "*be capable of ſerving as a Member of the* "*Houſe of Commons.*"*

But,

‖ This excellent proviſion would effectually prevent any *ſecret Council*, or Faction, from becoming *efficient without Reſponſibility*.

* It might perhaps have been objected at that time, as well as at preſent, that ſuch a *total exclusion of Place-men* would withdraw from Parliament the Council and Aſſiſtance of many worthy Men *in Office*, (or that ought to be *in Office*,) whoſe parliamentary Abilities are the moſt diſtinguiſhed

But, as the Parliament was at that time invested with the dangerous unconstitutional power of a *triennial* duration without *Re-election*, it was impossible that the *Elected* (who thereby acquired a temporary independency of the *Electors*, and, of course, too many of them, a *separate interest* of their own) could long continue *real* Representatives of the *People's Claims*; and, consequently, these two most excellent provisions against *undue influence* were unhappily repealed, a very

 few

distinguished and eminent in the Kingdom. Yet there is an obvious answer to this objection, viz. That it is very easy for a free Parliament (if in their wisdom they shall think it proper) to permit the *great Officers of State*, or even *their Secretaries or first Clerks* to have seats in Parliament, and, as Members, not only to declare their opinions, but also, for the better information of the House, even to *debate* and *reply* upon all questions relating to public affairs; which might be allowed without any dangerous effect, provided they are duly restrained from the single privilege of VOTING. The Nation by this means may have ample benefit in the exercise of their great and shining abilities, without risque of *undue influence*, which cannot justly be attributed to mere *argument*, as that has no other weight or effect than what is fairly due to its merit; and any unreasonable *length of speech*, whenever it is used with an apparent intention to procrastinate and obstruct the intention of the Majority, may be duly restrained at the pleasure of the House. But otherwise, (i. e. without some due restriction, and, more especially, *without an absolute exclusion from the power of voting*,) a TREASURY-BENCH, or any other BENCH OF PLACEMEN, in the House of Commons, is a *manifest* ABOMINATION, utterly repugnant to all just Ideas of a *free uninfluenced Parliament*, and consequently is highly derogatory to the honour of that House!

few years afterwards, in the 4th year of Queen Anne (c. 8.) Which amply proves, that the moſt ſalutary proviſions for "*the* "*Claims of the people*" cannot be ſecurely eſtabliſhed under *triennial* or *ſeptennial* Parliaments; and, of courſe, that the antient uſage of *ſeſſional* ELECTIONS is a *Claim*, of all others the moſt eſſentially neceſſary for our welfare.

Since the fatal repeal above mentioned, the prevalence of *undue influence* hath ſo rapidly and enormouſly increaſed, that the ever-loyal Citizens of London thought it their duty, in the year 1770, to bear teſtimony againſt it; and accordingly they aſſerted, in a public declaration to the King himſelf, that "*the*" (then) "*Houſe of Commons* "*did* NOT *repreſent the people.*" †

Subſequent Facts have demonſtrated the abſolute neceſſity we are now under to *claim* and promote an *unequivocal* abolition of all *undue Influence* in Parliament.

Meaſures, the moſt *unrighteous*, as well as the moſt *ruinous* that could have been deviſed,

† "Repreſentatives of the People are eſſential to the "making of Laws, and there is a Time when it is morally "demonſtrable that Men ceaſe to be Repreſentatives. "That Time is now arrived. THE PRESENT HOUSE "OF COMMONS DO NOT REPRESENT THE PEOPLE." —Addreſs of the Mayor, Aldermen, &c. of the City of London, 1770.

vised, have been adopted and carried on under a pretended ſanction of *parliamentary Authority*, § which have involved both King and People (whoſe true intereſts are inſeparable) in the moſt alarming difficulties; and the oſtenſible Agents in the miſchief have obſtinately perſevered to the utmoſt extenſion of *ability*, until public Diſaſters, and a happy preventive incapacity of their own, (their Heads and Funds being equally exhauſted of council and reſource,) have compelled them to make a temporary retreat; though the numerous

§ This muſt of courſe be underſtood to refer (if you pleaſe) only to *former* Parliaments that began the Miſchief, whoſe *pretended Sanction* had more of the *Name* than the *Reality* of *parliamentary Authority*, if a *real Repreſentation of the Commons* be at all eſſential to conſtitute a true *legal Parliament*.

The Repreſentatives are choſen by a *very ſmall Proportion* of the People, and even that *ſmall Proportion* of People is ſo monſtrouſly *unequal* in their *power of delegation*, that the ſmall Number of 5723 Borough Voters elect 254 Repreſentatives, which is very near *half* the Number of Repreſentatives that are due to ſix Millions of People, and *more than half*, or a *Majority*, of the Numbers that are ever known to attend at any one Time. The INJUSTICE of ſuch an *enormous Diſpropertion* in the Repreſentation of the whole People cannot be parallelled by any other groſs Abſurdity, except THE INIQUITY of rendering that *diſproportionate Repreſentation* ſtill more contemptible and nugatory by SEPTENNIAL or (what were nearly as pernicious) TRIENNIAL, inſtead of the ancient conſtitutional Uſage of SESSIONAL, ELECTIONS.

merous Corps of Placemen, Penſioners, Contractors, &c. occaſionally procured them a ſhameful Majority almoſt to the laſt!

Hence it is evident that the *Corruption of Parliament* is the real ſource of all our national calamities and grievances, which cannot therefore be relieved by a *mere change of Miniſtry*.

The *Minority* in Parliament hath once before, in the memory of moſt men, become the *Majority*; and the worthy Oppoſers of bad meaſures were indulged with a temporary adminiſtration of public Affairs, until the ſecret *efficient Cabinet* could recover from the ſurpriſe and diſmay of their former defeat in Parliament, and, by a renewed exertion of their *undue influence*, were able to ſhackle the new Adminiſtration with the rueful alternative, either to abandon their newly-acquired dignities, or elſe to adopt ſuch meaſures as muſt effectually deprive them of the people's confidence; after which they were contemptuouſly compelled (one by one, or as it might beſt ſuit the purpoſes of the reigning ſyſtem of *undue influence*) to yield up their places for the emolument of the more pliant creatures of the ſecret faction.

It

It would be madneſs for *Engliſhmen*, after ſuch galling experience, to neglect their juſt and indiſpenſible *claim* to ſome immediate and effectual precaution againſt ſimilar *deluſions*. To truſt another new Adminiſtration, without inſiſting at the ſame time on a conſtitutional *limitation of power*, by a *free uninfluenced Repreſentation of the Commons*, may be dangerous to our very exiſtence as an independent Kingdom!

The reduced circumſtances of the Nation cannot admit the riſque of another ſuch credulous experiment!

It is therefore become abſolutely neceſſary, for the ſecurity both of King and People, (which includes the *true intereſt* of all parties,) that the juſt "*Claims of the People*" be ſatisfied in an immediate Reſtoration of the antient *legal* and *reſponſible* Government, by a *Revival* of the two repealed Articles of the Act of Settlement, above recited, and by a *Revival* alſo of that moſt excellent Statute for SESSIONAL PARLIAMENTS, paſſed in the 4th of K. Ed. III. c. 14. declaring, "*that a Parliament*" (meaning a *newly-elected* Parliament, as the writs of thoſe times inconteſtably demonſtrate) "*ſhall be holden every year once, and more often if need be.*" But this indiſpenſible

ſible *Right* and *Claim* of the People (for the Act itſelf is no more than an authentic *Declaration*, or *Acknowledgement*, of an antient *Right*) cannot have complete *effect* without totally repealing an *Act* of the 8th year of K. Hen. VI. (cap. vii.) which, on *falſe pretences*, (whereby it is rendered unworthy the title and dignity of a *Statute*,) diſfranchiſed at once by far the greateſt part of the Engliſh Nation, by robbing them of their BIRTHRIGHT, † the ineſtimable *Right* of

† In the Act of Settlement, by virtue of which the preſent King ſits on the Throne, it is declared, that "*the "Laws of England are the Birthright of the people thereof:*" and, according to an antient Maxim of the Common Law, this our *Birthright in the Laws* is to be eſteemed our *moſt valuable inheritance*, ſuperior to every other Denomination of PROPERTY. "*Major Hæreditas unicuique venit a "jure et legibus quam a parentibus.*" Lord Coke ſays it —"is *the beſt Birthright the ſubject hath; for thereby his "Goods, Lands, Wife, Children, his Body, Life, Honour "and Eſtimation, are protected from injury and wrong:*" and then he cites the maxim—"*Major Hæreditas, &c.* 2 Inſt. p. 56. An Act of Parliament, therefore, which ſets up an *inferior* and mere *pecuniary property* as the object of *repreſentation*, not only in *preference*, but to the total *excluſion* of that *ſuperior property*, or perſonal Right, which ought to be eſteemed the *moſt valuable inheritance*, or "BEST "BIRTHRIGHT *the ſubject hath*," &c. is ſuch a "*malum "in ſe*," ſuch an iniquitous contempt and infringement of *Common Right*, againſt *Reaſon and Juſtice*, and againſt the expreſs declaration of a *fundamental principle of the Engliſh Conſtitution*, as cannot fail to render the Act "*null and "void*

of voting for Repreſentatives in Parliament, without which they cannot properly be eſteemed *Freemen*, becauſe the *Laws*, their BIRTHRIGHT and *moſt valuable Property*, may be *changed, ſuſpended*, or *entirely withdrawn from them*, without their conſent; whereas, in antient times, they enjoyed not only the privilege of voting, in *plen Countie, (i.e.* the full County-court or Parliament of each County,) for the Knights of the Shire, but frequently alſo for the Citizens

"*void in itſelf*," if the People will but unite in maintaining this juſt and legal plea againſt it; for which they have ample authority. See Doctor and Student, c. 10. wherein it is declared, that "*Statutes cannot exiſt againſt* REASON "*or the* LAW DIVINE," — "*nec contra* RATIONEM, *nec* "*contra* LEGEM *divinam exiſtunt*:" for the execrable *iniquity* abovementioned is, ſurely *againſt both*; and therefore as "*theſe two Laws*" (the Law of *Reaſon* and the *Law of God*) "*cannot abate or turn aſide*," — "*Hæ duæ* "*Leges declinari non poſſunt*," (ib. c. 17.) it is manifeſt that the unjuſt Act is utterly unworthy to be named a *Statute*, and muſt needs be *void*,* as it cannot otherwiſe be eſteemed than a mere *corruption*, (or *corruptela*,) according to the expreſs direction of the ſame approved Author in his 2d ch. — viz. — "*Againſt this Law*," (i. e. the *Law of Reaſon*,) "*preſcription*, STATUTE, *nor cuſtom, may not prevail; and*, "*if any be brought in againſt it, they be not preſcriptions*, "STATUTES, *nor Cuſtoms, but* CORRUPTIONS, (COR-"RUPTELÆ,) *things* VOID *and againſt Juſtice*."—Doct. et Stud. Eng. ed. 1668, p. 5.

* "Plowden has reported a variety of caſes, wherein Acts of Par-"liament were eſteemed *void in Law* through the want of *truth* in the "*recitals*. See pages 398 to 400." (Sharp's Declaration, p. 237.) Which legal *diſqualification* is obvious in the preamble to the Act in queſtion; wherein *falſe pretences* are alleged to favour the fatal change.

See p. 10.

zens and Burgeſſes, elected in their reſpective Counties; whereby the *Equality* of *Repreſentation* was then preſerved, and may again be happily reſtored by ſome ſuch equitable mode of transferring the repreſentation of *depopulated* or notoriouſly venal Boroughs to the Deciſion of their reſpective *County-courts*. Which method of *equaliſing Repreſentation* deſerves preference to all others, becauſe it is not liable to the odious charge of *innovation*, but, on the contrary, is authenticated by *long-continued uſage and legal Precedents of ancient times*: and the ſame may be ſaid of all the other changes already recommended in this Addreſs.

By theſe approved and tried means, the juſt *claims of the people* may be *amply*, as well as *eaſily*, eſtabliſhed; and the happy effects of ſuch a perfect Reformation would be *ſecurity* and *ſupport* to any *virtuous* Adminiſtration: for it would prevent their juſt meaſures from being *impeded* and *clogged* by the ſecret machinations of any private *Cabal*, or Cabinet *Faction*, that might otherwiſe be *efficient* without *Reſponſibility*; and it would alſo exclude the intereſted oppoſition of needy unprincipled perſons, who at preſent can *introduce themſelves* into P--l--m--t (if they can but find credit for the

the purchaſe-money) merely for the purpoſes of *private intereſt!* a *Trade* as *diſhonourable* to themſelves as it is *baneful* to the Nation; for the *Repreſentation* of many Boroughs is now commonly eſteemed a mere pecuniary property, and, as ſuch, has in many inſtances been either notoriouſly *bought and ſold*; or elſe is holden at the abſolute diſpoſal of *ſingle Individuals*, (Peers and other overgrown Landholders,) for the dangerous purpoſe of enhancing their *own perſonal conſequence!* An "*undue Influence*" this (in whatſoever hands it is lodged) that is moſt deteſtably *diſgraceful to the Nation* as well as fundamentally *derogatory to the validity of every legiſlative Reſolution!* and, what is ſtill more alarming, will completely *ruin* the Kingdom, if the conſtitutional Remedies here propoſed are not ſpeedily adopted.

London, March 23, 1782.

A LOYAL ENGLISHMAN.

An ABSTRACT of the *Claims*, *&c.* and of the conſtitutional Means of redreſſing public Grievances, without *Innovation*. P. 12.

CLAIM I.

THAT neither the *Privy Council*, nor any *ſecret Cabinet* for State Affairs, ought to be *efficient without reſponſibility*. P. 4. n. and p. 12.

REMEDY. Revive a repealed clauſe of the Act of Settlement, "*That all matters cognizable in the* PRIVY COUNCIL *ſhall be tranſacted there*, *&c.* P. 4 & 9.

CLAIM II. That *all undue influence of the Crown* ought to be totally excluded from Parliament, p. 6. and that a "*Treaſury-bench*," or any other *Bench of Placemen*, in the Houſe of Commons, (unleſs duly reſtrained from the privilege of *voting*,) is an ABOMINATION! utterly repugnant to all juſt ideas of a *free uninfluenced* Parliament! P. 5. n.

REMEDY. Revive a repealed Clauſe of the Act of Settlement: "*That no perſon*,

"*who*

"*who has an office or place of profit under the* "*King, &c. shall be capable of serving as* "*Members of the House of Commons.*" P. 4.

N.B. The ordinary objection to this clause may be obviated, by permitting the *great Officers of State, their Secretaries, &c.* to sit, debate, and inform the House, but without privilege of *voting*. P. 4 & 5. n.

CLAIM III. That "*the Laws of England* "are *the* BIRTHRIGHT *of the People there-* "*of*" (p. 10, n.); yet the greater part of the People are robbed of that *Birthright* by an unconstitutional exclusion from any share in the Legislature; so that *the Laws (the most valuable Property to* EVERY MAN "UNICUIQUE VENIT," *&c.* p. 10.) may be changed, *suspended*, or repealed, without their assent. P. 11.

REMEDY. Repeal the Act of 8 Hen. VI. c. 7. whereby the People in general were robbed of that BIRTHRIGHT. P. 10.

CLAIM IV. That the *Representation of the People* ought to be rendered *more equal*.

REMEDY. Refer the enormous disproportion of *delegating* power, now enjoyed by *venal* Boroughs, (p. 7. n.) to the decision of the *County-Courts*, according to antient Precedents. (P. 12.)

CLAIM

CLAIM V. Experience has demonstrated, that neither *the most salutary provisions for our just Claims* can long subsist, (p. 6.) nor any *Changes of Ministry*, (p. 8.) be effectual to restore them, under *triennial* and *septennial* Parliaments, p. 5. so that the antient usage of renewing the Representation BY A GENERAL ELECTION EVERY SESSION is the most essential *Claim* of all others for the welfare of the Kingdom. P. 6.

REMEDY. Revive the Statute for SESSIONAL PARLIAMENTS, 4 Ed. III. c. 14. (See p. 9.)

The certain Effect of these *constitutional Remedies* will be *Security* and *Support* to a *virtuous* Administration. P. 12. See also the Motto in the Title.

THE END.